

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHERYL KARR,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 13-5650 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 24). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the administrative law judge will hold a *de novo* hearing and issue a new decision. The ALJ will:

- reevaluate the medical opinion evidence, in particular the opinion of Craig Southwell, M.D.; and
- reevaluate the claimant's residual functional capacity and ability to perform past relevant work or other work, at step five, obtaining additional VE testimony if necessary.

1 The ALJ will take any other actions necessary to develop the record. Plaintiff may submit
2 additional evidence and arguments to the ALJ on remand.

3 That this case be reversed and remanded on the above grounds pursuant to sentence four
4 of 42 U.S.C. § 405(g), and Plaintiff is entitled to reasonable attorney's fees and costs pursuant
5 to 28 U.S.C. § 2412(d), upon proper request to this Court.

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7 Given the fact of the parties' stipulation, the Court recommends that the District Judge
8 immediately approve this Report and Recommendation and order the case **REVERSED** and
9 **REMANDED**. A proposed order accompanies this Report and Recommendation.

10 DATED this 6th day of February, 2014.

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13 Karen L. Strombom
14 United States Magistrate Judge
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